



#5/56
10-27-03
PATENT
Case No. 0246-0002
(Formerly 246P002)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
David H. Schmidt) Group Art Unit: 3764
Serial No. 09/977,123) Examiner: Stephen R. Crow
Filed: 10/12/2001)
For: SPEED-CONTROLLED)
EXERCISE METHOD AND)
APPARATUS)

Response To Restriction Requirement and Election of Species

To: MAIL STOP NON-FEE AMENDMENT
COMMISSIONER FOR PATENTS
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Sir:

This is in response to the restriction requirement set forth in the Office Action mailed
September 23, 2003.

Requirement for Restriction and Election of Species

The restriction requirement, as set forth in the Office Action, states that the application
contains claims directed to the patentability distinct species of Figure 1; Figures 5, 5a, 6-9; and
Figures 11-12. Furthermore, the Office Action states three different speed control mechanisms,

Serial No. 09/977,123


namely: Figure 2, Figure 3, and Figure 4.

Applicant hereby elects with traverse, the species of Figures 5, 5a, 6-9 and the speed control mechanism of Figure 2. The claims considered readable upon such election include claims 8, 10, 12, 14-19 and 21-23.

Respectfully Submitted,

Cook, Alex, McFarron.
Manzo, Cummings & Mehler, Ltd.

By:


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October 17, 2003



10-20-03

3764

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/977,123	
	Filing Date	10/12/2001	
	First Named Inventor	SCHMIDT, DAVID H.	
	Art Unit	3764	
	Examiner Name	CROW, STEPHEN R.	
Total Number of Pages in This Submission	3	Attorney Docket Number	0246-0002

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Election of Species Acknowledgement Post.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David M. Mundt Cook, Alex, McFarron, Manzo, Cummings & Mehler
Signature	
Date	October 17, 2003

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as expr • mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Kim Canchola		
Signature		Date	10/17/2003

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